

1 AN ORDINANCE relating to the Public Defender system for King County;
2 establishing the Office of Public Defense; and
prescribing duties and responsibilities.

3 BE IT ORDAINED BY THE KING COUNTY COUNCIL:

4 Section 1. It is declared a public purpose that each
5 citizen is entitled to equal justice under law without regard to his
6 ability to pay. It is the intention of King County to make publicly
7 financed legal services available to the indigent and the near
8 indigent person in all matters when there may be some factual
9 likelihood that he may be deprived of his liberty pursuant to the
10 laws of the State of Washington or King County.

11 Section 2. There is hereby established the Office of
12 Public Defense. The Administrator of the Office of Public Defense
13 shall be appointed by the County Executive and approved by the
14 County Council. For assistance to the County Executive in selecting
15 an appointee, there is hereby established the Selection Advisory
16 Committee. The Selection Advisory Committee shall consist of the
17 President of the Seattle-King County Bar Association; the Chairman
18 of the Criminal Law Section of the Seattle-King County Bar
19 Association; the President of the Urban League; and a representative
20 from the Law and Justice Task Force of the Seattle Model Cities
21 Program.

22 Section 3. The duties of the Administrator shall be:

23 1. To establish a list of lawyers who wish to participate
24 in the defense of indigent defendants; such list to be known as the
25 assigned counsel list. The Administrator shall assign cases to
26 members of the assigned counsel list on a case by case basis. As
27 much as feasible, the assignment from the assigned counsel list
28 shall be not less than twenty percent nor more than forty percent
29 of the eligible defendants arraigned in the Superior Court of
30 King County, exclusive of juvenile proceedings.

31 2. To investigate and determine who shall be eligible to
32

1 receive legal services from the Office of Public Defense.

2 3. To investigate and report on any complaint of a recipient
3 of service against the lawyer(s) representing him. The Administrator
4 shall submit his findings of the investigation to the complainant,
5 the lawyer complained against, and the presiding judge of the King
6 County Superior Court.

7 4. To make periodic evaluations, at least annually, of the
8 services rendered through the office of Public Defense submitting
9 such report to the judges of the King County Superior Court, the
10 King County Council and the King County Executive.

11 5. To investigate the financial condition of the parents of
12 any juvenile in Juvenile Court receiving legal representation through
13 the Office of Public Defense and to recommend to the Juvenile Court
14 a sum to be charged to parents to pay for such representation.

15 6. To make such rules, not in conflict with this ordinance,
16 that may be necessary and appropriate for the discharge of the
17 duties any responsibilities of the Office of Public Defense.

18 Section 4. The Administrator is authorized and
19 directed to enter into an agreement with a nonprofit corporation
20 formed for the specific purpose of rendering legal services in
21 behalf of indigents to provide legal services to persons eligible
22 for representation through the Office of Public Defense and is
23 authorized to enter into an agreement with institutions of higher
24 learning or other agencies to render investigative or other services
25 on behalf of any person being represented through the Office of
26 Public Defense or of benefit to the purpose of such office.

27 Section 5. Legal services through the Office of Public
28 Defense shall be available to all eligible persons for whom counsel
29 is constitutionally required. In addition, legal services through
30 the Office of Public Defense will be available when funds are
31 available therefor to all eligible persons when there may be some
32

1 factual likelihood of such person's loss of liberty by an act of
2 King County or any of its agencies, including but not limited to a
3 violation of any law of the State of Washington or ordinance of King
4 County, juvenile matters, mental illness and similar commitment
5 proceedings, revocation and habeas corpus proceedings when such
6 arise in King County.

7 Legal services through the Office of Public Defense may be
8 made available to a person charged in King County with a felony of
9 public notoriety when the court finds that the defendant is unable
10 to employ adequate private counsel as a result of such public
11 notoriety. The Administrator of the Office of Public Defense shall
12 establish a reasonable fee, subject to the approval of the court.
13

14 Section 6. To be eligible to receive legal services
15 through the Office of Public Defense at no cost, the person must be
16 financially unable to obtain adequate representation without
17 substantial hardship to himself and his family and there must be
18 some factual likelihood that he will be deprived of his liberty.
19 If a person has some resources available which can be used to
20 secure representation but not sufficient resources to pay the entire
21 costs of private legal services without substantial hardship to
22 himself and his family, the Administrator shall determine how much
23 the person shall pay for the legal services provided through the
24 Office of Public Defense.

25 Section 7. The Administrator of the Office of Public
26 Defense is authorized to enter into agreements with any other
27 governmental agency, or corporation, or any private agency, or
28 corporation to receive funds for the support of the Office of
29 Public Defense.

30 Section 8. All contracts entered into by the
31 Administrator pursuant to Section 4 and 6 of this ordinance, shall
32 be approved by the County Executive and the County Council.

